App F IX 4

Previous References 1946 (47) (Ml)

File No 141-46

Serial Nos 1-2

Later References
Ml 177-48 (1,2)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for January 47

SUBJECT

In the matter of crediting the realisation from the sale of the Conservancy lands to the owners of the plots adjoining them to the municipal funds instead of to the C I T funds

& Lr 7715 dt 31.1.47

The Chairman C.I.T.
Board
Mysore

Intimates the decision of Govt to the Chairman of the Board.

5278

From the Chairman, C & T Board, Mysore

No I M 153-155/46-47, dated 28-12-46

Seeks legal opinion in connection with the disposal of Conservancy lanes to the owners of sites adjoining them (vide correspondence ending with No X 3865-72/M1 88-89 3-142 dt 16-11-46)

Two members of the Board urged that the realisations from the sale of Conservancy lanes should go to the Municipal funds, instead of to the C & T Board funds, and requests orders thereon

(Flag A)

An extract of Sections 21 and 24 of the Mysore City Improvement Trust Board Act is furnished below —

Section 21(1)

The president of the Municipal Council shall, on being satisfied that any street formed by the Board has been duly levelled, metalled, drained, sewered, etc declare such street to be a public street, and such street shall thereupon vest or revest, as the case may be, in the

Municipal Councillors and Municipal Councillors shall thenceforward maintain, keep in repair, light and cleanse such street."

2) In accordance with the above provision of the Act, all conservancy lanes vest in the city Municipal Council and not in the Trust Board.

3) The Trust Board ~~Solicitor~~ is of the opinion that, as the conservancy lanes are not required to be continued, in accordance with G.O dated 16-11-1945 the Hon'ble Municipal Council need no longer maintain them and that the realisations from such vacant lands should therefore go to the funds of the Trust Board and not to the Municipal Council.

4) An extract of section 24 of the C.I.T Board is furnished below -

"The Govt may from time to time, -- transfer to and vest in the Board any land belonging to Govt or to the Municipal Councillors"

provided that any such land not already conveyed or agreed to be conveyed by the Board

5245/L 1899/Law

which shall be resumed by Govt or Municipal Councillors, for a public purpose may, at any time be resumed by Govt or by the Municipal Councillors, with the previous sanction of Govt."

5) The Mayor &c of M'bad may not agree to re-vest these 'Conservancy lanes in the Trust Board as it would affect the finances of the City Municipal Council

6) The protocol in force 3 is for orders

Sec 7/1/47 Yr Pl putting reply to enquiries

c. 9 J B Act

Sec 7/1/47

& A copy of the Act is sent us

Sec 7/1/47 & The opinion of the Law secretary will be sent us in due course

As at A we have received

10 Ys Earth Sec 7/1/47

Ys 18/1 11 For favour of opinion in the matter

Asst Secy Law Dept Sec 10/1/47

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12 Under Sec 21 of Act III of 1903 (City of Mysore Improvement Act), streets when formed by the Trust Board vest in the Municipal Council on a declaration made by the President of the Municipal Council A conservancy lane comes within the purview of the definition of the word 'street' under Sec 2 of the Act As such, the management of the conservancy lanes also vested in the Municipal Council along with the principal streets when they were formed but under Section 24 ~~It is~~ of the Act open to the Government for the purposes of this Act to transfer to and vest in the Board any land belonging to Government or to the Municipal Councillors. If the Government does so, the lanes will vest in the Trust Board Until then the lanes vest in the Municipal Councillors and they are entitled to the compensation

Land secy)

for 17/1

13) SK 21/1

Asst Secy L S & vle) 13 for 21/1

14) The above opinion of the Law Branch will be Communicated ~~Sent~~ to the chairman of Improvement Trust Board, Mysore - Reference 10 supra new secy for 29/1/47

Minister for Edn & Pty) Draft 23/1/47

15 7/4 for 23/1/47

27/1/47

COPIES OF THE MINUTES FOR EDUCATION & P Date 24/1/47 No HPH 6

16) Draft letter Draft for 28/1/47 28/1 Secy

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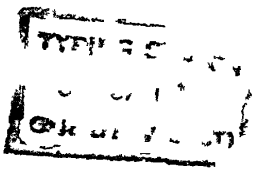


draft reply is put up

24/1/47

Issue attached

29/1/47

To The Chairman C & T - Mysore

10771 of 31-7-47

Steps necessary

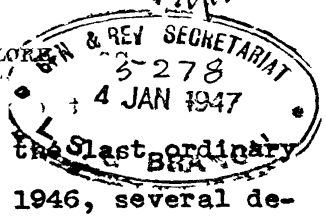
No B_1.M.153-155/46-47/Encl 1. wl 141-46 -1

Office of the Chairman,
City Improvement Trust Board,

Mysore, dated 27th Decr. 28 1946

FROM R RAMACHANDRA RAO BHOMBORE, Esq, B.A.,
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD,
MYSORE

To J B MALLARADHYA, Esq, M.A.,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Revenue Department, BANGALORE



SIR,

I have the honour to state that at the time of the last ordinary meeting of the Board of Trustees held on 31st October 1946, several deferred subjects regarding the disposal of conservancy lanes to the owners of sites adjoining them, in several extensions, came up for discussion An extract of such subjects is enclosed herewith for kind perusal While applications for such grants were placed before the Board for disposal, the idea was, that the realizations therefrom would naturally go to the funds of the Trust Board. But during the course of discussion, the two of the Municipal Councillors elected to the Board, stressed that the amount realised should go to the Municipal funds as these roads are now in the possession of the Municipal Council. The other members were of the opinion, that the sale realisation should go to the resources of the Board The sense of the Board, ~~might be obtained~~ then, was, therefore, that instructions of Government might be obtained in the matter The questions were therefore deferred.

According to Section 21 of the Act, when once the roads are formed, such roads will thenceforward vest in the Municipal Council, for maintenance etc In the extensions formed, the Trust Board will have spent large sums from out of its funds to form such roads before they are handed over to the Council, for which nothing is received in return for the heavy outlay incurred.

According to Government Order No L 3865-72/Ml 88-43-142 dated 16th November 1945, the existing conservancy lanes have been ordered to be diposed of to the owners of sites on either side on certain conditions to be imposed on them in respect of the water mains and under=ground sewers Though under-ground submains are running in the conservancy lanes for which applications have been received, the disposal is

P.T O.

thought of, only, on consideration of sanitary principles. Necessary action will be taken to shift the pipes to the main roads and needful conditions will be imposed while sites are granted. Now that the conservancy lanes are not required to be continued, the Municipal Council need no longer maintain them These unwanted conservancy lanes should therefore revert to the Board for disposal in the manner it thinks best. The realisations, if any, from such vacant lands should therefore go to the funds of the Trust Board and not to the Municipal Council, since these lands was originally acquired and the lanes formed out of the Trust Board funds

In these circumstances, I solicit instructions of Government, whether they agree with me in the above view If this does not meet with the approval of Government, I request you to intimate whether sanction of Government has to be obtained to re-vest to the Board of such conservancy lanes that are no longer required by the Municipality for maintenance, under Section 24 of the Act

As the question has again to be placed before the Board at its next meeting ~~this month~~, I request that early orders of Government may be obtained and communicated to me.

I have the honour to be,
Sir,
Your most obedient servant,

Chairman.

MYSORE CITY IMPROVEMENT TRUST BOARD

Proceedings of the Ordinary Meeting of the Board of Trustees for the improvement of the City of Mysore, held at the Chairman's Office on Wednesday the 18th December 1946 at 10-15 A.M.

PRESENT

R RAMACHANDRA RAO BHOMBORE, Esq , B.A ,(Chairman)

1 T Ramaiya, Esq , B A , (Hons),
2 The Director of Public Health in Mysore, Bangalore
3 The Vice-President, City Municipal Council, Mysore
4 F C Devaraj Urs, Esq.,
5 T Nariappa, Esq , B A , LL B.,
6 B Narayanaswamy, Esq , B A , B L.,

ABSENT

7 The Health Officer, City Municipal Council, Mysore
8 Very Rev Father Maurice Quesquiner

X X X ----- X X X

Deferred Subject No 153 -

Joint application dated 3-7-46 from Messrs Nanjundiah, Overseer & others requesting that for the grant of conservancy lanes to the respective house owners of site Nos 44,45 & 46 in Saraswatipuram

Deferred

Deferred Subject No 154 -

Application dated 22-3-46 from Mr Basavegowda, Kannegowdanakoppal praying for the grant of conservancy lane running in rear of his house

Deferred

X X X X X X

Copy

Chairman
City Improvement Trust Board
Mysore

L. 10771 / MC 141 - 46 - 2

31/1/47

To

The Chairman, C & T Board

Mysore

Sir,

With reference to your letter No B1-MBS3-155 dated 28-12-46 enquiring whether sanction of Govt has been/~~reserving order of Govt on the~~ to be obtained to revest the Trust Board ~~in~~ such conservancy lakes as are no longer required by the Municipality for maintenance and whether the realisations on account of the sale of these conservancy lakes to the respective owners, in accordance with the provisions of G.O. dd L 3865-79 / MH 88-43-142 dated 16-11-1945 should be credited to the Trust Board or to the Municipality, I am directed to state that, under section 21 of the City Improvement Trust Board Act 1903

Streets when formed by the Trust Board vest in the city Municipal Council on a declaration made by the president of the Municipal Council & Conservancy Lanes comes within the purview of the definition of the word "Street" under section 2 of the Act As such the management of the Conservancy Lanes is also vested in the Municipal Council along with the Municipal Streets when they are formed

These lanes will vest in the Trust Board only after they are transferred by Govt under Section 24 of the Act, to the Board Until then, the Lanes vest in the Municipal Council and they are entitled to the Compensation

~~Action may be taken accordingly~~

I have the
honour
29/5/1939
for Secretary